

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE  
LITIGATION

MDL. No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO ALL  
ACTIONS

**PLAINTIFFS' MOTION FOR LEAVE TO FILE UNDER SEAL**

Plaintiffs, by their attorneys, respectfully move this Court for leave to file Exhibit A to their Reply Memorandum in Support of Class Plaintiffs' Motion to Strike the Declaration of Steven J. Young ("Exhibit A to Plaintiffs' Young Reply") under seal.

1. Pursuant to Paragraph 14 of the Protective Order (Dec. 13, 2002), the parties may designate documents or deposition testimony as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL."

2. Exhibit A to Plaintiffs' Young Reply is an amended version of Class Plaintiffs' Motion to Strike the Declaration of Steven Y. Young. The Motion is amended only to cite to the final version of the transcript of the deposition of Mr. Young, which Plaintiffs received after they filed their Motion to Strike.

3. The Motion to Strike, as amended, extensively quotes the deposition and Declaration of Defendants' expert, Steven J. Young, both of which were filed under seal by Defendants.

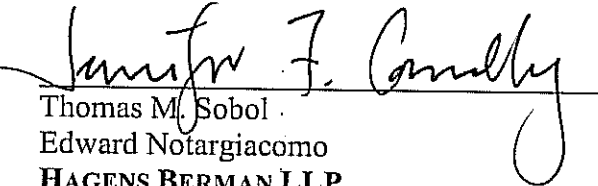
4. Because of Defendants' designation of the Young Declaration and Young deposition transcript as HIGHLY CONFIDENTIAL under the Protective Order, Plaintiffs

respectfully request leave to file Exhibit A to Plaintiffs' Young Reply under seal (and have done so contemporaneously with the filing of this Motion).

WHEREFORE Plaintiffs respectfully request that this Court grant them leave to file Exhibit A to their Reply Memorandum in Support of Class Plaintiffs' Motion to Strike the Declaration of Steven J. Young under seal, and all other relief that this Court deems just and proper.

Dated: February 4, 2005

Respectfully submitted,

By:   
Thomas M. Sobol  
Edward Notargiacomo  
**HAGENS BERMAN LLP**  
One Main Street, 4<sup>th</sup> Floor  
Cambridge, MA 02142

**LIAISON COUNSEL**

Steve W. Berman  
Sean R. Matt  
**HAGENS BERMAN LLP**  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101

Samuel Heins  
Brian Williams  
**HEINS MILLS & OLSON, PC**  
3550 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402

Jeff Kodroff  
John Macoretta  
**SPECTOR, ROSEMAN & KODROFF, PC**  
Market Street, Suite 2500  
Philadelphia, PA 19103

**CHAIRS OF LEAD  
COUNSEL COMMITTEE**

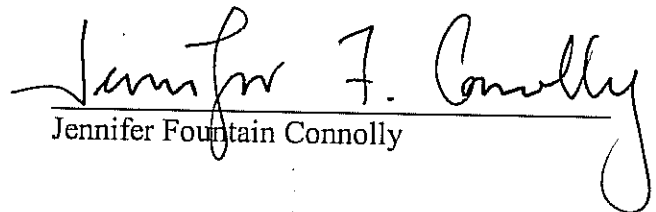
Kenneth A. Wexler  
Jennifer Fountain Connolly  
**THE WEXLER FIRM LLP**  
One North LaSalle, Suite 2000  
Chicago, IL 60602

Marc H. Edelson  
Allan Hoffman  
**HOFFMAN & EDELSON**  
45 West Court Street  
Doylestown, PA 18901

**CERTIFICATE OF SERVICE BY VERILAW**

Docket No. MDL 1456

I, Jennifer Fountain Connolly, hereby certify that I am one of plaintiffs' attorneys and that, on February 4, 2005, I caused copies of Plaintiffs' Motion for Leave to File Under Seal to be served on all counsel of record by causing same to be posted electronically via Verilaw.

  
Jennifer Fountain Connolly